

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA HELD ON THE 25TH DAY OF AUGUST, 2008 AT 5:30 P.M.
IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755
ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	James D. Politis	
	John A. Muffo	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Judy W. Kiser	-Assistant to the County Administrator

CALL TO ORDER

The Chair called the meeting to order.

ADD TO AGENDA-ADDENDUM

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Addendum dated August 25, 2008 was added to the agenda as follows:

INTO CLOSED MEETING

BE IT RESOLVED, That the Board of Supervisors hereby amends the Closed Meeting for the purpose of discussing the following:

- | | | |
|------------------|-----|---|
| Section 2.2-3711 | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
| | 1. | Old Blacksburg Middle School |
| | 2. | Prices Fork Elementary School Site |

- ~~3. Boundary Adjustment—Town of Blacksburg~~
- ~~4. Boundary Adjustment—Town of Christiansburg~~

- (7) Consultation With Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

- 1. Norfolk Southern Intermodal Facility
- 2. Boundary Adjustment – Town of Blacksburg
- 3. Boundary Adjustment – Town of Christiansburg

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
William H. Brown
Doug Marrs
Mary W. Biggs
James D. Politis
John A. Muffo
Annette S. Perkins

NAY

None

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
- 1. Agency on Aging
 - 2. Juvenile Detention Commission
 - 3. Office on Youth Advisory Board
 - 4. Towing Advisory Board
 - 5. Personnel

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
 1. Old Blacksburg Middle School
 2. Prices Fork Elementary School Site
- (7) Consultation With Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 1. Norfolk Southern Intermodal Facility
 2. Boundary Adjustment – Town of Blacksburg
 3. Boundary Adjustment – Town of Christiansburg

The vote on the foregoing motion was as follows:

AYE

William H. Brown
Doug Marrs
Mary W. Biggs
James D. Politis
John A. Muffo
Gary D. Creed
Annette S. Perkins

NAY

None

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
William H. Brown
Doug Marrs
Mary W. Biggs
James D. Politis
John A. Muffo
Annette S. Perkins

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Gary D. Creed
William H. Brown
Doug Marrs
Mary W. Biggs
James D. Politis
John A. Muffo
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

Announcement from the Chairman-Intermodal Facility in the Elliston Community

The Chairman announced that the Board of Supervisors would issue a press release on Tuesday, August 26, 2008 at 2:00 p.m. concerning Norfolk Southern's plans for an Intermodal Facility in the Elliston Community.

INVOCATION

A Moment of Silence was lead by Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Ordinance – Cold Mountain Subdivision -Vacation and Relocation of Existing Utility Easements and Lot Lines

An Ordinance to vacate and relocate a portion of an existing utility easement and a portion of the lot line for Lot 3 and Lot 7, Tax Parcels 89-(A)-12A & 12C in Cold Mountain Subdivision, Phase II, Cold Mountain Road, Riner Magisterial District, Montgomery County, Virginia.

The County Attorney explained the request for a portion of an existing utility easement to be vacated and a portion of lot lines for lots 3 and 7. § 15.2-2272 of the Code of Virginia provides that the local governing body can vacate a portion of a plat after sale of lots, by ordinance. Since those lots have been sold in the subdivision, the only way other than getting everyone to sign off on the plat, is for the Board of Supervisors to adopt an ordinance, which requires this public hearing. The public hearing was advertised pursuant to law.

Alvin Humes spoke in opposition to the proposed ordinance. As an adjacent property owner, he was not sure what Mr. Phillips was requesting but he wanted to inform the Board that if Mr. Phillips' request involved his property in any way, that he would not be given permission to go through or trespass on his property. Stressing the fact that he was not accusing Mr. Phillips, he believes the survey stakes were moved closer to his property after the initial survey was done.

Charles Stewart, speaking on behalf of Clara Alexander, deceased, feels the same way as Mr. Humes, that if this in any way requires traversing his property, permission will be denied.

Sean Phillips spoke on behalf of his request, explaining that his father owns the 200 acres surrounding the two lots and he was not sure he understood Mr. Humes and Mr. Stewart's complaints.

Ralph Clements of Gay & Neel, Inc. informed the Board that Gay and Neel, Inc. had prepared the initial survey for Mr. Phillips and had also prepared the most recent survey when Mr. Phillips wanted to add a new lot and adjust the boundary between the new lot and existing lot to provide a better building site. There is an easement where the existing lot line was and it cannot just be relocated, it has to be vacated, which is the intent. Mr. Clements pointed out that they are not losing any utility easements, just basically moving one and using the vacated lot lines because there was a shift of the road alignment that slightly cuts the corner of the existing lots. All of this is internal to the Phillips property.

There being no further speakers, the public hearing was closed.

Ordinance – Rolling Hills Subdivision - Vacation of a Portion of an Unimproved Portion of Lupine Lane, Vacation of Lots, and Drainage Easements

An Ordinance vacating a portion of an unimproved portion of Lupine Lane, on a portion of an unimproved portion of an unnamed right of way, and vacate Lots 10 thru 20 and Lots 28 thru 37, and vacate certain public utility and public drainage easements all located in Section IV of the Rolling Hills Subdivision recorded in Plat Book 8, Page 23 in the Montgomery County Circuit Court Clerk's Office.

The County Attorney explained the above referenced request from the Riverbend Water Company to vacate lots 10 through 20 and lots 28 through 37 and vacate certain public utilities that were shown in the general area and vacate drainages that were shown on the plat. They also want to vacate a portion of an un-named right-of-way and a portion of the unimproved part of Lupine Lane. The County Attorney pointed out that the roads had not been built, they were only on paper, and if they are vacated there can then be one lot to build on. The only way this can be done is by ordinance, pursuant to § 2272 of the Code of Virginia. Mr. McMahon reminded the Board that Mr. Poff had made a similar request approximately two years ago when he was planning to sell this land to a church; but the plans never went forward and the plat was never vacated.

Lynn Reed of Mathews & Henegar, Inc., Professional Engineers & Land Surveyors, spoke on behalf of the request. She reported that the property is currently zoned R-2 and the lots requested to be vacated are all undeveloped, and existing public and private utility easements and drainage easements will be vacated. A new 15' public utility and drainage easement will be provided along the street right-of-way lines and interior to the side and the rear lot lines. The portion of Lupine Lane and a portion of an unnamed street that are requested to be vacated are all unimproved and do not impede the access to other properties. Ms. Reed said the justification for the request is the poor soil conditions in this area of the County. Southwest Soils found only one drain field on this section of property and in order to be able to utilize this drain field for a single family three bedroom residence, the lots, easements and streets need to be vacated and combined into one lot.

Brennan Bowen , who owns Lot 9 in the subdivision, reported that discussion by homeowners in the area indicates that no one opposes this request, but want to make sure that it remains single family or two family. He asked that the Board, if this request is granted, to limit the SUP to single family dwellings or two family dwellings.

Tom Wilson agreed with Mr. Bowen's comments, wanting to ensure that nothing more than one single family home goes on the property.

Tony Sutphin supported Mr. Bowen's comments about the property having one single family household, that anything else would be unacceptable to the neighborhood.

There being no further speakers, the public hearing was closed.

Special Use Permit – Sandra Gail Jordan

A request by Sandra Gail Jordan, (Agent: Cellere for CST) for a Special Use Permit on approximately 29.5 acre tract(s) in an Agriculture (A-1) zoning district to allow a 199' telecommunication tower. The property is located east of Alleghany Spring Road, accessed by a private driveway located at 477 Alleghany Spring Road, and is identified as Tax Parcel No(s). 083- A 27D, 27 (Acct No. 026123), in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The Zoning Administrator made a brief presentation on the request, explaining that the proposed new telecommunications tower would be used by AT&T and be available for use by four additional cellular providers.

The Planning Commission recommended approval of the SUP request with the following conditions:

1. Tower shall not exceed a total overall height of 165' inclusive of proposed lightening rod with ground elevation of 1,545 feet. Tower shall not have lighting unless required by the FAA. Tower shall have a base diameter not to exceed 60 inches and a top diameter of 30 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T VA -00-200A Alleghany, \pm 477 Alleghany Springs Road", prepared by Wilcox Professional Services, dated June 3, 2008 and received by Montgomery County on June 24, 2008.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure. Tower shall be painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
9. Temporary fencing of the "Slave Cemeteries" identified on the property shall be installed and inspected by the Zoning Administrator prior to initiation of construction of the tower, and shall remain in place until construction is complete and site plan requirements are approved by the Zoning Administrator.

Katie Fleming, speaking as agent for the applicant, made a presentation and answered questions from the Board. The presentation included simulated pictures that were taken during the balloon test.

In response to a question from Supervisor Doug Marrs about where emergency services antenna would be located on the tower, Ms. Fleming said they would be located below all other carriers on the tower. She pointed out that emergency services would still have a location on the tower, but the focus would be on providing the coverage for the wireless facility as well as allow the emergency services to locate on the tower.

Supervisor Mary Biggs asked if other sites were looked at and if so, were any considered that were not near homes? Ms. Fleming responded that while they did look at other properties, the thing to remember is there has to be a willing landowner, the property has to work for coverages, so although they may have looked at other properties that work there may not have been a willing landowner, or a willing landowner may have had property that was unsuitable for the tower.

David Thorp, who lives just west of the proposed site, spoke in opposition to the request. He believes the plan violates the County's Comprehensive Plan, where this area is designated resource stewardship and agriculture. It also violates the County's telecommunications tower citing provisions in which nine criteria are listed in descending order from the most preferable to the least preferable. Mr. Thorp said he would be willing to overlook all this if he thought the tower served a valuable public purpose, but he believes it does not. If it is essential for AT&T to build the tower to serve Shawsville and US 460 he suggested the tower be located in Shawsville, perhaps on the Meadowbrook Library, which is public property.

Mr. Thorp reminded Board members that in the past several years the Board has asked Norfolk Southern at least three times not to build an intermodal facility in the Elliston community because it violates the County's Comprehensive Plan.

Elizabeth Knapp spoke in opposition to the SUP request, pointing out that the simulated pictures that were shown were all taken at this time of year when all the trees are in bloom and there is a lot of vegetation and greenery. She also noted that none of the pictures were taken from the vantage point of where she lives on Slusher Lane. She asked that the Board consider the bigger picture on how this would impact the Comprehensive Plan.

Sheriff Tommy Whitt addressed the issue of public safety and emergency services. While he is aware that SUPs allows the Sheriff's Office to place antennas on these towers, placing them at a low altitude will not cover radio communications. However, as far as wireless 911 service to Alleghany Springs, the Sheriff believes it may be able to pick up a 911 call. The only benefit he could see as far as citizens being able to call for emergency services would be from a cell phone from a remote area of Alleghany Springs.

The following letters were submitted for the record:

"August 2, 2008

Dari Jenkins
Montgomery County Department of Planning & GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073

Dear Dari:

While I'm reluctant to engage in a debate that seemingly pits neighbor against neighbor, I must express my opposition to Sandy Jordan's request for a Special Use Permit for a proposed telecommunications tower. My property adjoins the Jordan property immediately to the south.

Ironically, were I the one making such a request, I would expect Sandy to be the most vocal opponent among my neighbors. I don't know her well, but I do know her to be a fervent naturalist who shares my interest in preserving the rural qualities of our area. That priority presumably motivated her family to seek Resource Stewardship designation for their property. But given the income involved in renting space for a telecommunications tower, I understand why they would take this seemingly contradictory step.

While my initial reaction to the proposed SUP was negative, I did some research to determine whether my concerns were justified. Following is a brief summary of what I learned and why I and my family are opposed to Sandy's request:

- *There is a likelihood that our property value would decrease because of the tower.* This has been studied at length across the country, with documented reductions in property values of 3 to 10 percent. My best guess is that the tower could reduce the value of my property by \$10,000 to \$20,000. Obviously, this reason alone is enough to oppose the SUP request. The Jordans' financial gain would likely come at the substantial expense of their neighbors. I don't know that they realize this.
- *There are potential health risks associated with telecommunications towers.* This is a matter of considerable debate, but there is enough evidence to raise some concern. Several studies around the world have found higher incidences of illnesses (including cancer) in the vicinity of cell phone towers. Just this past week, 22 prominent scientists released a "precautionary statement" regarding the use of cell phones, which is a directly related risk. Personally, I'm not significantly concerned about the possibility of the proposed tower harming my family's health. But such health concerns do affect property values, the research has found.
- *The proposed tower would create an unwelcome visual impact to our largely rural setting.* Admittedly, based on the balloon test, the tower would not affect our view much, nor the view of our home from the road. But it would significantly impact the view of our neighbors on the hill to the west of the Jordans, and somewhat for our neighbors to the south. In that respect, the tower would have a general negative impact on the rural quality of our area.

I anticipate that other neighbors will join us in opposing the SUP request. I hope the Jordans will understand. I am certain that were the tables turned, they would stand where we do. I also suspect that they are not aware of the significant financial impact on their neighbors.

My wife and I will be out of town for the Planning Commission meeting on August 13th. But I will be happy to discuss this matter further with you if desired. Thank you.

Sincerely,

Mel and Dena Lester
591 Alleghany Spring Road
Shawsville, VA 24162
(540) 268-4343”

“Aug. 11, 2008
Montgomery County Department of
Planning & GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073-3177

Dear Sir:

I’m writing about the letter concerning the request of a special use permit for a 199’ telecommunication tower on Sandra Jordan’s land.

I’m opposed to having the tower put there because I don’t want it near my home or property.

I understand there is a noise problem with a tower around. I was told if you live near a tower you have a 10% more chance of getting cancer. Since Dari Jenkins said she hadn’t heard of that, don’t you think you need to check things out more? It doesn’t bother no one that doesn’t live near this problem of a tower near you. There’s plenty of mountains, etc. up Alleghany Springs where the tower could be put where no homes are at. I hope you will reconsider this matter as we don’t want it here.

Aug. 11, 2008

Sincerely,
Nancy L. Jones
Paul C. Jones
3910 Slusher Lane
Shawsville, VA 24162”

“August 22, 2008

Montgomery County Department of Planning & GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073

Attention: Dari S. Jenkins

RE: Rezoning Request
Sandy Jordan – Special Use Permit

Dear Ms. Jenkins:

This is in response to your letter dated July 22, 2008, regarding the request from Sandy Jordan for a Special Use Permit allowing 199' telecommunications tower to be built on her property, which is adjacent to mine located at 623 Alleghany Spring Road, Shawsville, VA.

Recently I was approached about the construction of a tower on my property. As we discussed the particulars, I was informed of the income this would generate and can understand why one would consider it. However, I declined out of not only safety concerns, property values, and noise but out of true consideration for my neighbors. From an aesthetic standpoint, a tower of this height would be an unsightly intrusion of this country area. I understand there were other site possibilities and feel a site could be chosen that would not be in such close proximity to so many homes.

I must say I'm surprised Sandy made this request as she has always expressed her desire to live in a quiet, rural area with wildlife so plentiful. I know she is an artist and I have seen some of her artwork of animals. When we first moved to this location, she called me to say she hoped we would not put up dusk to dawn lights in our yard; and we complied with her request. Most who choose country living do so for the beautiful mountains and quiet peaceful living. I do hope Sandy has talked with people living near one of these towers and that she is aware of the full impact on her as well as our community.

There has been much discussion in the news lately about the health hazards of cell phone usage with research still ongoing. This leaves many unsolved questions about the health problems that may arise from communication towers. This is a risk I am not willing to take; and I am opposed to a tower at this location.

I'm sure much thought and preparation was involved in designating this area as Resource Stewardship in the Comprehensive Plan. I want Sandy to know I wish to continue being a good neighbor; but in all good conscience, I feel this tower is not good for our neighborhood. I'm against a tower so close to my property.

Sincerely,

Mrs. Jeanette H. Graham
623 Alleghany Spring Road
Shawsville, VA 24162
540-268-5297"

"22 August 2008

Dear Sir and Madam Supervisors,

I am writing as a 27-year resident of Montgomery County and a concerned adjoining property owner in regard to the rezoning request by Sandra Gail Jordan (agent: Cellere for CST) for a special use permit for installation of a communications tower.

In 2000 I moved with my husband from Blacksburg to Shawsville to enjoy the spectacular and largely undeveloped rural beauty of this valley. We have indeed loved living here and daily are grateful for the gorgeous vistas, fresh air, and healthy environment that we enjoy from our home.

My concerns about the tower are many, the main two being compromise to the beauty of the area, the second, concern over possible health risk.

The site being considered for the telecommunication tower in question is zoned Resource Stewardship per the County's Comprehensive Plan as is the adjacent property on which I reside. The county's current Comprehensive Plan (section PLU 1.2) defines resource stewardship areas as:

“Areas generally defined as rural areas of the County that have high resource value based on soil types, or that are environmentally sensitive due to topography or unique land characteristics. These areas include national forest land, state, private preserves, undeveloped prime agricultural soils and soils of local importance, agricultural and forestal districts, land that is subject to private conservation easements and conservation zoning and areas of predominantly 25% slope or greater. This planning policy area is the least densely developed of all of the planning areas and includes many largely undeveloped areas of the County.”

This same document (section PLU 1.2.1) further states that, “a. The preferred land uses for Resource Stewardship Areas include agriculture, forest uses, outdoor recreational uses, other natural resource based uses and accessory uses directly related to the support of the preferred land uses”; that “d. Non-residential uses, except those incidental to and supportive of agriculture, forest, outdoor recreational or other preferred land uses, will be discouraged in Resource Stewardship Areas”; and that “e. Rezoning to allow higher intensity uses in Resource Stewardship Areas will be discouraged.” Moreover, Part b of section PLU 1.2.3 “Resource Stewardship Area Community Facilities and Utilities” states that, “With the exception of public parks and outdoor recreation facilities, Resource Stewardship Areas will not be a preferred location for new community facilities.” From this land use definition, telecommunications towers do not fit the character of land zoned a Resource Stewardship Area.

The document “Special Subject Plans, Montgomery County, 2025 Regional Approach to Telecommunications Towers” (adopted by the County on 12 October 2004), includes a section (number three) titled “Uniform approach to siting of new towers.” That section contains a list of nine types of locations for proposed telecommunication towers in preferred order of consideration based on land use designations. The proposed tower would be sited on the next to least preferred type, that of “agricultural/conservation zoned lands – ridgeline.”

My concerns extend beyond the land use issue and pertain to the proposed tower's effect on my health as well as the health of my husband and animals, and the health of other residents and wildlife living near the proposed site. It is the radio frequency/electromagnetic radiation emissions from the tower that are of concern.

In the reading that I have been able to do, it appears that there is controversy about the impact of radio frequency/electromagnetic radiation emissions on human health. That said, the FCC has apparently taken this controversy seriously enough to initiate an inquiry in 1977, establish radio frequency limits in 1985, and to revisit and revise their standards not once but four times after that (in 1987, 1992, 1993, and 1996). What exact level of emissions is safe and to what degree emissions endanger human health does not seem to be established yet, but what is established is the need for concern and more research. Because of this, as a proactive and preventative measure with the aim of the safety of its citizens being the foremost goal, I think it would

demonstrate admirable prudence and compassion on the part of the county to limit residents' exposure to this potential hazard by blocking the telecommunications tower's construction.

It is my opinion that approval of the proposed tower compromises the intent, integrity, and spirit of the County's Comprehensive Plan, the use of county land designated Resource Stewardship land as defined and supported by the county of which I am a resident, will greatly compromise the beauty of the area, and may also compromise the health of the residents of this area. I am opposed to its approval.

In researching this issue I spoke with Ms. Dari Jenkins, Mr. Joe Powers, and Mr. Steve Sandy of the county's Department of Planning and GIS Services. They were each very helpful in explaining some things regarding this case and in helping me to access documents and other information that I requested. I appreciate their assistance.

Thank you for allowing me to offer my concerns and for thoughtfully considering them as you make this decision.

Sincerely,

C. Elizabeth Knapp
Goat-Spit Holler Farm
3798 Slusher Lane
Shawsville, VA 24162"

There being no further speakers, the public hearing was closed.

Addition to the Agricultural & Forestal District 2 (AFD-2) – Gordon and Nancy Johnson

A request by Gordon and Nancy Johnson to add approximately 84.34 acres to existing Agricultural & Forestal District 2. The property is located on Catawba Road (3400 block) and is identified as Tax Parcel No. 20-A-6 (Acct No. 009762) in the Mt. Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The Planning Director reviewed the above referenced request with the Board. AFD-2 is located principally along Catawba Road running from its intersection with Mossy Springs Road to the Roanoke County line, a distance of approximately 6 miles. AFD-2 was originally established in 1980 and has been renewed for successive 8-year terms in 1987, 1995, and 2005. There are presently 24 landowners and 5,644+ acres in AFD-2. Additional landowners may request to be added to an existing AFD on a yearly basis. This request has been reviewed by the AFD Advisory Committee and recommended for approval. The Planning Commission has also reviewed the request and recommended approval.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Joy Burroughs addressed the Board about the announcement that was made earlier on this date that Norfolk Southern will build their Intermodal Facility in the Elliston community. She asked that the Board consider adopting the ordinance that Shireen Parsons submitted to the Board at their June 9, 2008 meeting. The announcement indicated that construction of the facility will begin this fall.

Area residents have been told that none of the environmental concerns would be addressed until the decision was made on the location of the facility. Everyone is wondering how all this can be done between now and the fall. Ms. Burroughs asked that the Board of Supervisors oversee the process and make sure the proper procedures are followed to protect the environment.

Jan Apgar, a Lafayette resident, called the Board's attention to a previous meeting when David Bowers of Roanoke addressed the Board of Supervisors, saying that Roanoke was a hub of the railroad industry, that they had the room for it, that they wanted it, and that it would be beneficial to Roanoke. The City of Salem also asked for the intermodal facility and were excited that it could come to their area. When there are places that have actually requested that the facility come to their area, how can Norfolk Southern disregard the wishes of the people in Elliston who have lived there 75+ years and would like to continue living there in the quiet, serene atmosphere. Ms. Apgar thanked the Board for their support in trying to keep the intermodal facility out of the Elliston community. She pointed out the irony that the facility that will be built in the Elliston area will be called the Roanoke Intermodal Facility.

There being no further speakers the public address session was closed.

CONSENT AGENDA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated August 25, 2008 was approved.

The vote on the foregoing motion was as follows:

AYE

William H. Brown
Doug Marrs
Mary W. Biggs
James D. Politis
John A. Muffo
Gary D. Creed
Annette S. Perkins

NAY

None

Approval of Minutes

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Minutes dated May 27 and June 9, 2008 were approved.

R-FY-09-24
RESOLUTION ESTABLISHING A PUBLIC HEARING
ON THE PROPOSED ORDINANCE AMENDING
THE USE OF THE CENTRAL ABSENTEE
VOTING ELECTION PRECINCT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing on Monday, September 22, 2008, at 7:15 p.m. or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, in order to receive comments on the proposed Ordinance Amending the Use of the Central Absentee Voting Election Precinct by Providing for a Central Absentee Voting Election Precinct in All Elections.

A-FY-08-18
CLERK OF CIRCUIT COURT
VIRGINIA STATE LIBRARY GRANT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

251 Clerk of Circuit Court – Grants	\$12,321
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02251-424401 Clerk of Circuit Court Grant	\$12,321
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Said resolution appropriates grant funds received to purchase security cameras and recording devices to improve security of the County records.

A-FY-09-19
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

220 Commonwealth's Attorney	\$1,866
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419104 Confiscations	\$1,866
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-09-20
SHERIFF
RECOVERED COST**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

320 Sheriff – County	\$2,350
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The sources of the funds for the foregoing appropriation is as follows

Revenue Account

419108 - Recovered Costs	\$2,350
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Said resolution appropriates recovered costs funds for use by the Sheriff's department.

**R-FY-09-25
RESOLUTION ACKNOWLEDGING RECEIPT
OF THE NEW RIVER VALLEY COMMUNITY SERVICES
FY 2009 PERFORMANCE AGREEMENT**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia acknowledges receipt of the New River Valley Community Services Board Performance Contract for Fiscal Year 2008-2009.

BE IT FURTHER RESOLVED, The Montgomery County Board of Supervisors makes no comment regarding the performance contract for the New River Valley Community Services Board for Fiscal Year 2008-2009.

RECESS

The Board took a short recess and reconvened at 9:15 p.m.

NEW BUSINESS

R-FY-09-26 STATE BUDGET CUTS METHOD OF REIMBURSEMENT

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

WHEREAS, The 2008 Appropriations Act requires the reduction in state aid to local governments in both FY 2009 and FY 2010; and

WHEREAS, The Act also provides three methods from which a locality can choose to carry out the required reduction which include:

1. Take the reduction from one or more programs on a list provided by the Department of Planning and Budget,
2. Make a reimbursement payment directly to the state for the total locality reduction,
3. Elect a combination of reductions and reimbursement payments,

WHEREAS, The Department of Planning and Budget identified Montgomery County's reduction totaling \$364,508.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County elects to use the reimbursement payment as the method to address the required state mandated funding reduction.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs
James D. Politis
John A. Muffo
Gary D. Creed
William H. Brown
Doug Marrs
Annette S. Perkins

NAY

None

R-FY-09-27
AFFIRMATION OF AUTHORIZATION TO
PICK UP THE EMPLOYEE'S CONTRIBUTION TO
VRS FOR MONTGOMERY COUNTY, 55160
UNDER § 414(h) OF THE INTERNAL REVENUE CODE

On a motion by Doug Marrs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Montgomery County provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and

WHEREAS, The Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick-up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009; and

WHEREAS, In order to avail itself of the protection given under Notice 2006-43, the Montgomery County Board of Supervisors desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED, That the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution; and

BE IT FURTHER RESOLVED, That effective the first pay day on or after August 25, 2008, Montgomery County shall pick-up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and

BE IT FURTHER RESOLVED, That such contributions, although designated as member contributions, are to be made by Montgomery County in lieu of member contributions; and

BE IT FURTHER RESOLVED, That pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, That member contributions made by Montgomery County under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and

BE IT FURTHER RESOLVED, That nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by Montgomery County directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, That notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of Montgomery County shall be picked up either through a reduction in the current salary of such employee or as an offset

against future salary increases of such employee or as a combination of both at the option of the employer by the Montgomery County Board of Supervisors on behalf of such employee pursuant to the foregoing resolution.

Adopted in Montgomery County, Virginia this 25th day of August, 2008.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs

James D. Politis

John A. Muffo

Gary D. Creed

William H. Brown

Doug Marrs

Annette S. Perkins

NAY

None

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported that county staff received a call from a citizen who had helped the County on a Rural Addition by donating right-of-way. During this process, the survey pins were lost and the citizen has requested that they be replaced. VDoT has indicated that they will not put the pins back in. The County Administrator emphasized that the citizen had donated right-of-way so the Rural Addition project could move forward, and the pins need to be replaced. Estimated cost to survey and replace the pins is \$400-\$500.

It was the consensus of the Board that a letter be written to VDoT requesting that VDoT replace the survey pins. If VDoT does not respond, the Board will move from there.

BOARD MEMBERS' REPORTS

Supervisor John Muffo attended the August 23rd cookout with the volunteers at the animal shelter. He applauded the volunteers for the great work they're doing in getting the dogs adopted. In talking with the volunteers, they seemed interested in working on a new facility for the county for the dogs and cats. This creates a window of opportunity for the county to make some progress toward the reality of a new facility for dogs and cats.

Supervisor Gary Creed reported that he had received a call in the past week from a citizen who wanted to volunteer some time, energy, and money, a very significant amount of money, for construction of a new facility to shelter dogs and cats. Contact information has been provided to the County Administrator. Within the past few months, this citizen has had as many as 38 cats dropped on his property. Supervisor Mary Biggs said she would be happy to participate in any sort of fund raising that was organized for a new facility.

Supervisor Doug Marrs-VACo's Transportation Steering Committee Supervisor Marrs attended a Transportation Steering Committee meeting in Charlottesville last week. He reported that northern Virginia is heavily represented on the committee and they want to change the formula the state uses for allocating transportation funds. After funding for road maintenance, interstate

contractors, primary roads, secondary and urban roads, if there is anything left northern Virginia representatives are bringing to VACo the changes they want to see in the state formula, which would mean more money going to northern Virginia. Supervisor Marrs asked that the County Administrator break down the formula the state is using for the allocation of transportation funds and provide an analysis on what kind of potential impact northern Virginia's proposal would have on Montgomery County. The Transportation Steering Committee meets again on October 10th and this information will help Supervisor Marrs make the right decision when this issue is taken up by the committee.

Supervisor Mary Biggs- School Board Supervisor Biggs reported that all schools in Montgomery County are now fully accredited. At the last School Board meeting, there was discussion about sending a request to the Board of Supervisors to carry over their year-end funds to FY 2008-09. The School's Capital Maintenance Project List was also discussed. Copies of these documents were provided to the County Administrator for distribution to Board members. The School Board also discussed the Old Blacksburg Middle School (OBMS). Since they are having such a hard time finding land they have a concern that maybe the OBMS property should be used for future school use in the Blacksburg area; not the school itself, but the land. They decided to get more information about the future enrollment figures and present them at a School Board meeting and discuss the matter further before bringing it to the Board of Supervisors.

Library Board At their last meeting, the Library Board asked the County Attorney how long they are required to keep tapes of the Library Board meetings. The County Attorney advised that once the minutes of the meeting have been transcribed and approved, the tapes can be destroyed.

Supervisor Annette Perkins-VACo Steering Committees Supervisor Perkins is the Chair of VACo's Education Steering Committee. She also serves on the Conference Planning and the Resolutions Committee. At the meeting in Charlottesville last week, the Education Committee had a presentation from an organization called "Just Children", a child advocacy program, and the committee discussed issues that involved children such as behavior and conduct issues. The main focus is still SOQs and revamping of the formula, school construction, and teacher salaries. Every committee that came before the board of directors was focused on funding and what to do at the local level about unfunded mandates that come to the localities.

Conference Planning Committee discussed sensitivity to people thinking that a lot of money is being spent because the annual meeting is held at the Homestead. While looking into other possible locations for VACo's annual meeting, it was found that the Homestead is the least costly of any of the other sites that were looked at.

Supervisor Mary Biggs said she would like to let the Sheriff know that the School Resource Officers (SROs) were kept in the budget. She also announced that the Sheriff wanted to thank Supervisor Perkins for her gracious words at the unveiling of the bench that was placed on the Huckleberry Trail in memory of Cpl. Eric Sutphin.

Supervisor Perkins said she was honored to participate in the ceremony and appreciated all those who attended, including representatives of all the various law enforcement agencies, to honor someone who put his life on the line twice previously for our safety, and to everyone in law enforcement who faces danger every day in order to protect our citizens. This includes two members of the Board of Supervisors, one a former Montgomery County Sheriff and one a former Blacksburg Police Chief. She thanked Sheriff Whitt for coordinating the event..

Supervisor Bill Brown described the location of the memorial bench as being beside the maintenance lot on the Huckleberry Trail, for anyone who may be interested in visiting the site. He went on to say for those who knew Eric, that he will live on in their hearts because he was the type of law enforcement officer that young officers should try to emulate in doing their jobs, and he believes a lot of young deputies and police officers who knew him will emulate what he stood for, he was what law enforcement was all about.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, September 8, 2008.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Doug Marrs	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Annette S. Perkins	

The meeting adjourned at 9:45 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	B. Clayton Goodman, III
Chair	County Administrator